

**IN UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

SHERMAN DIVISION

DATE: 3/18/2025

CHIEF DISTRICT JUDGE

Amos L. Mazzant, III

COURT REPORTER: Chris Bickham

COURTROOM DEPUTY: Keary Conrad

<p>Gibson Brands, Inc., a Delaware corporation</p> <p>v.</p> <p>Armadillo Distribution Enterprises, Inc., Concordia Investment Partners, LLC</p> <p>Does 1 through 10</p>	<p>4:19CV358</p>
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ATTORNEYS FOR PLAINTIFF	ATTORNEYS FOR DEFENDANT
<p>Stephen Dale Howen, Andrea Bates, Kurt Schuettinger, Elizabeth Andujar IT: Keith Slyter</p>	<p>Jerry Selinger, Craig Depew, Kyrie Cameron, Austin Gray, Ron, Bienstock, Zack Klein IT: Mitch Mahon</p>

On this day, came the parties by their attorneys and the following proceedings were held in Sherman, TX:

TIME:	MINUTES: Jury Trial - Day 7
9:00 a.m.	Court in session. Court notes appearances.
9:01 a.m.	Court hears from Counsel Depew who indicates that the parties have reached an agreement that Gibson has withdrawn claim for actual damages. Counsel Howen confirms that Gibson has agreed that they did not present and do not anticipate presenting any evidence of actual damages and anticipate that Defendant will ask for a judgment as matter of law on that claim and Gibson would not oppose it.
9:01 a.m.	Jury seated.
9:02 a.m.	Witness Patrick Schuleit reminded he is still under oath. Plaintiff's counsel, Stephen Howen begins cross examination.
9:04 a.m.	Counsel Howen refers witness to Plaintiff Exhibit 776 and 777.
9:23 a.m.	Counsel Howen refers witness to Plaintiff Exhibit 6A.
9:25 a.m.	Counsel Howen refers witness to Plaintiff Exhibits 0001, 0034, 0002, 0004.
9:38 a.m.	Counsel Depew requests bench conference.
9:41 a.m.	Counsel Howen continues cross examination of Schuleit.

TIME:	MINUTES: Jury Trial - Day 7
9:49 a.m.	Counsel Howen refers witness to Plaintiff Exhibits 0001, 0004 and 0554.
9:53 a.m.	Counsel Howen refers witness to Plaintiff Exhibits 0034, 0768-4.
9:56 a.m.	Counsel Howen refers witness to Plaintiff Exhibits 0004, 0554, 762, 763, 764-1, 044, 0012, and 348-1.
10:12 a.m.	Counsel Howen refers witness to Defendant Exhibit 1794. No objection. Defendant Exhibit 1794 admitted.
10:16 a.m.	Defendant objection. Bench conference.
10:16 a.m.	Court gives instruction to the jury.
10:17 a.m.	Counsel Howen refers witness to Plaintiff Exhibit 51.
10:31 a.m.	Jury excused. Court recess.
10:47 p.m.	Court re-convened. Jury seated.
	Counsel Howen offers Plaintiff Exhibits 6A, 0017, 0013, and 0018. No objection. Exhibits admitted.
10:49 a.m.	Counsel Howen continues to cross examination.
10:58 a.m.	Counsel Howen offered Plaintiff Exhibit 552. No objection. Exhibit admitted.
11:15 a.m.	Counsel Howen refers witness to Plaintiff Exhibit 391.
11:15 a.m.	Counsel Howen refers witness to Plaintiff Exhibit 392. No objection. Exhibit admitted.
	Counsel Howen refers witness to Plaintiff Exhibit 0077.
11:25 a.m.	Counsel Howen refers witness to Plaintiff Exhibit 650.
11:27 a.m.	Counsel Howen offers Plaintiff Exhibit 730. No objection. Exhibit admitted.
11:30 a.m.	Counsel Howen refers witness to Plaintiff Exhibit 640.
11:33 a.m.	Counsel Howen refers witness to Plaintiff Exhibit 74.
11:36 a.m.	Counsel Howen refers witness to Plaintiff Exhibit 652.
	Counsel Howen refers witness to Plaintiff Exhibit 70 and 73.
11:49 a.m.	Counsel Howen offers Plaintiff Exhibit 570. No objection. Exhibit admitted.
11:54 a.m.	Counsel Howen refers witness to Plaintiff Exhibit 545.
11:57 a.m.	Counsel Howen refers witness to Plaintiff Exhibit 876-1.

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11:59 a.m.	Jury excused.
12:00 p.m.	Court advises parties that a final version of the charge has been emailed and hard copies will be provided.
12:02 p.m.	Court recess for lunch.
1:00 p.m.	Court re-convened. Jury seated.
1:02 p.m.	Counsel Howen continues cross examination and refers witness to Plaintiff Exhibit 641.
1:06 p.m.	Counsel Howen refers witness to Plaintiff Exhibits 641 and 551.
1:16 p.m.	Counsel Howen refers witness to Plaintiff Exhibit 352.
1:18 p.m.	Counsel Howen refers witness to Defendant Exhibit 3333.
1:22 p.m.	Counsel Howen refers witness to Plaintiff Exhibit 735 and Defendant's 1492.
1:36 p.m.	Counsel Howen refers witness to Plaintiff Exhibits 330 and 332.
1:43 p.m.	Counsel Howen refers witness to Plaintiff Exhibit 314.
1:52 p.m.	Counsel Howen refers witness to Plaintiff Exhibit 367, 705, 706.
2:04 p.m.	Defendant's counsel, Craig Depew begins re-direct examination of Patrick Schuleit.
2:19 p.m.	Defendant's counsel, Depew refers witness to Defendant Exhibit 1794.
2:27 p.m.	Defendant's counsel, Depew refers witness to Plaintiff Exhibit 77.
2:29 p.m.	Defendant's counsel, Depew refers witness to Plaintiff Exhibit 650.
2:29 p.m.	Defendant's counsel, Depew refers witness to Plaintiff Exhibit 640.
2:36 p.m.	Defendant's counsel, Depew refers witness to Defendant Exhibit 1704.
2:40 p.m.	Plaintiff's counsel Howen begins re-cross of Patrick Schuleit.
2:47 p.m.	Counsel Howen refers witness to Defendant's Exhibit 3333.
2:50 p.m.	Jury excused. Court recess.
3:07 p.m.	Court re-convened. Jury seated.
3:07 p.m.	Counsel Howen pass the witness. Counsel Depew no further questions.
3:08 p.m.	Court polls the jury for questions for the witness. Bench conference.
3:13 p.m.	Court asks questions from the jury to the witness.

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3:21 p.m.	Witness excused.
3:21 p.m.	Defendant's counsel, Jerry Selinger advises that in regards to Mr. Freedgood's testimony the parties, by agreement are withdrawing the following four exhibits: Defendants Exhibits 117, 118, 120, 121.
3:22 p.m.	Defendant rests. Plaintiff closes. Defendant closes.
3:23 p.m.	Jury excused.
3:24 p.m.	Court hears argument and objections from counsel regarding charge.
3:45 p.m.	Court recess.
4:04 p.m.	Court re-convened. Court hears from Plaintiff's counsel, Kurt Schuettinger for judgment as matter of law on collateral estoppel and not submitted sufficient evidence of tortious interference. Court overruled.
4:07 p.m.	Court hears from Defendant's counsel, Kyrie Cameron moving for judgment as a matter of law. Court overruled.
4:11 p.m.	Court hears objections from Plaintiff's counsel, Howen regarding the charge. Plaintiff's objections are overruled and request for additional instructions are denied.
	Court hears objection from Defendant's counsel, Selinger regarding the charge.
4:19 p.m.	Court hears response to Defendant's objections from Plaintiff.
4:22 p.m.	Defendant's objections are overruled and request for additional instructions are denied.
4:23 p.m.	Court adjourned.
4:42 p.m.	Court re-convened. Court advises the Parties of a call from juror regarding concerns with timing of the conclusion of the trial. Court hears from Plaintiff's counsel. Defendant's counsel, Depew advises that they are fine to let her go. Court will call and advise her that we cannot advise her of the timing.
4:45 p.m.	Court adjourned.

TIME:	MINUTES: Jury Trial - Day 7
	Plaintiff Exhibits: 006A, 0017, 0013, 0018, 776, 777, 552, 392, 0077, 650, 730. 640, 74, 652, 73, 570, 545, 551, 735, 330, 332, 554, 641, 314, 51 Plaintiff Remaining: 4:45 Defendant Exhibits: 1794 Defendant Remaining: 8:24

DAVID O'TOOLE, CLERK

BY: Keary Conrad
Courtroom Deputy Clerk